

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON MONDAY, 8 JANUARY 2018**

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Marc Francis (Chair)  
Councillor John Pierce  
Councillor Helal Uddin  
Councillor Suluk Ahmed  
Councillor Peter Golds (Substitute for Councillor Chris Chapman)

**Other Councillors Present:**

None

**Apologies:**

Councillor Gulam Kibria Choudhury  
Councillor Chris Chapman  
Councillor Sabina Akhtar

**Officers Present:**

Paul Buckenham	(Development Manager, Planning Services, Place)
Brett McAllister	(Planning Officer, Place)
Kevin Chadd	(Legal Services, Governance)
Zoe Folley	(Committee Officer, Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of interest were made

**2. MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 6 December 2017 be agreed as a correct record and signed by the Chair.

### **3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

### **4. DEFERRED ITEMS**

None

### **5. PLANNING APPLICATIONS FOR DECISION**

#### **5.1 327-329 Morville Street, London (PA/17/01253)**

Paul Buckenham (Development Control Manager) introduced the application for the demolition of the existing building and chimney and redevelopment of the site with the erection of a new six storey residential building with associated works. He advised that the application was presented to the Development Committee on 8<sup>th</sup> November 2017 with an Officer recommendation for approval. The Committee were minded to refuse the application due to concerns about the height, bulk, massing and density of the application and the daylight impacts on neighbouring properties. Since that time, the applicant had made a number of changes to the application. The Council had carried out a further round of consultation and given the scale of the changes, the application was being brought back to the Committee as a new application.

Brett McAllister (Planning Services) presented the report explaining the key features of the amendments that had involved:

- Reducing the residential units proposed within the scheme from 62 to 58.
- Setting back the upper floor of the western block.
- Significantly reducing the massing of the eastern block by reducing the northern and southern half of these elements.

The Committee were advised of the site location that was not in a Conservation Area including the nature of the nearby residential developments, the existing land use and the proximity of the development to Olive Tree Court. They also noted the improved floor plans to provide future occupants with a better standard of internal amenity, the child play space at ground floor and improvements to minimise the impact of the application. The Committee also noted the images of the revised elevations and massing and its impact on the surrounding area. Consultation was carried out on the application. Three representations in objection were received and two in support in response to the original consultation. No additional representations were received in response to the re – consultation on the revised application.

Turning to the assessment, it was considered that the height of the development would appropriately respond to the local context that was predominantly of mixed character. The application would be of a good quality design. It was considered that the impact on neighbouring amenity would be broadly acceptable including the properties at Olive Tree Court (that would be most affected in terms of sunlight and daylight impacts). Following the changes, there had been a marked reduction in the number of windows that would experience a major adverse impact in this regard down from 11 to 3 windows. However as most of the windows in this development were triple aspect, they should continue to receive a good standard of daylight and sunlight.

The revised proposal would provide an acceptable mix of housing including 35% affordable housing. This would be split 70% affordable rented (in line with Tower Hamlets preferred rent levels) and 30% intermediate. Furthermore, the density of the application had decreased.

Transport matters, including parking, access and servicing were acceptable and it was not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.

Subject to the recommended conditions and obligations, Officers were recommending that the application was granted planning permission.

The Committee asked questions about the height of the scheme and the changes to overcome the concerns in this respect and the fire safety measures. In response, Officers explained in further detail the changes to reduce the scale and bulk of the application in relation to the eastern and western elements. There would be an informative encouraging the use of sprinklers and if granted, there would be detailed consideration of fire strategy issues, at the building control stage. The London Fire Authority had not raised any concerns about the application.

The Committee also sought assurances about the impact on Olive Tree court. Whilst mindful of the changes, clarity was sought on the impact on the three windows that would still be adversely affected. Officers confirmed that these windows would experience a loss of light - slightly over 40 percent. But the

units would benefit from good standard of daylight/sunlight as they had alternative sources of light. Furthermore, none of the windows in Eastside Mews would experience moderate or major adverse reductions.

In response to further questions, Officers reported that the scheme still met the child play space target and provided reassurances about the quality of the child play space.

On a unanimous vote, the Committee **RESOLVED:**

1. That planning permission be **GRANTED** at 327-329 Morville Street, London for the demolition of the existing building and chimney and redevelopment of the site with the erection of a new six storey building to provide 58 residential units (Use Class C3), together with associated landscaping, rooftop amenity area, child play space and cycle and refuse storage facilities. (PA/17/01253) Subject to
2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.
3. That the Corporate Director, Place is delegated authority to negotiate and approve the legal agreement indicated above.
4. That the Corporate Director, Place is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the Committee report

## **5.2 Bancroft Local History And Archives Library, 277 Bancroft Road, London, E1 4DQ (PA/17/02495)**

Paul Buckenham (Development Control Manager) introduced the retrospective application for the addition of a new ventilation panel to an existing duct to the basement door on the building's facade. The application was bring brought to the Committee as the Council could not determine under delegated powers its own applications for listed building consent.

The Committee noted the site location, the nature of the changes that had already been carried out showing images of the proposal. Consultation had been carried out and Historic England had directed the Council to determine the listed building consent application. The direction required that if the Council was minded to grant listed building consent it should do so. No other comments had been received from heritage bodies. Officers considered that no harm had been caused by the works so the listed building consent should be granted.

On a unanimous vote, the Committee **RESOLVED:**

That Listed Building Consent be **GRANTED** at Bancroft Local History And Archives Library, 277 Bancroft Road, London, E1 4DQ for the retrospective application for the addition of a new ventilation panel to an existing duct to the

basement door on the building's façade (PA/17/02495) subject to the conditions set out in the Committee report.

## **6. OTHER PLANNING MATTERS**

### **6.1 PLANNING APPEALS REPORT**

Paul Buckenham (Development Control Manager) introduced the report. The report summarised appeal decisions in Tower Hamlets made by the Planning Inspectorate (on behalf of the Secretary of State) over a 14 month period since the last report - from 1 October 2016 to 30 November 2017.

The Committee were advised of the different types of appeals and the importance of reviewing appeal decisions in terms of future decision making. The Committee noted that during the 14 month period, 83 decisions were made on appeals in Tower Hamlets. 79 were following a refusal of permission and 3 were non-determination appeals. Of the 83 decisions, 22 were allowed, 60 dismissed and 1 was part allowed. This meant that in 72% of the cases, the Council decision had been upheld. The Council had a consistent success rate which fell far below the Department for Communities and Local Government's new criteria regarding major and non major applications overturned at appeal. The Council also tended to have fewer appeals compared to other Authorities.

It was noted that there were 48 current appeals against decisions (or non-determination) that have not yet been decided. However there were 5 cases that would be dealt with through a public Inquiry, two of which had taken place during December, the others had dates to be set in 2018. The report included a list of forthcoming appeal inquiries and hearings.

The Committee's attention was then drawn to the outcome of the following three appeals and the implications of these decisions:

- Former Stepney's Nightclub, 373 Commercial Road, Stepney - Planning permission was refused by the Council for the erection of a 3 storey mixed use building to provide new commercial floorspace with 6 new homes on the upper floors. This was subsequently allowed on appeal and dismissed following a further appeal. Members noted the issues in respect of the noise impacts.
- Flat 39A, Northesk House, Tent Street, Whitechapel. The appeal concerned the temporary change of use of the flat from residential to a short-term let. Permission was refused under delegated powers and the appeal was refused. Officers considered that the decision was significant and helpful in terms of how the Council moved forward to tackle the growing issue of unlawful changes of use of residential properties to short term let properties.
- Harley House and Champion House, Frances Wharf - The appeal concerned roof extensions to provide 6 new residential units along with reconfiguration of 1 existing unit. The appeal was allowed. Members noted the issues in respect of incremental development.

In response to the presentation, the Committee discussed in further detail the Stepney's night club decision and the lessons that could be learnt in respect of applications involving residential and a night club use. The Committee also discussed the financial implications of appeals and the type of issues that could result in the award of costs.

In addition, the Committee asked questions about the number of appeals against non - determination and the work done to address this. Members asked about the ways in which they could express views on major applications should the decision making powers be transferred to the Planning Inspector on the grounds of non - determination. It was noted that in such cases, Members would normally still have the opportunity to express a view on such application as they would usually be brought to the Committee for it to say how they would have determined it to inform the appeal process.

On a unanimous vote, the Committee **RESOLVED:**

That the contents of the report be noted.

The meeting ended at 7.55 p.m.

Chair, Councillor Marc Francis  
Development Committee